

LAW OFFICES OF
PARRY ANDERSON
A PROFESSIONAL CORPORATION
1200 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 521-3434
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TELECOPIER TRANSMISSION SHEET

DATE: April 6, 2007

TO: Ms. Wright

FAX #: 359-3940

FROM: Todd D. Weiler

TOTAL NUMBER OF PAGES (including cover page):

IF PROBLEMS ARISE, CALL: Katie

TELEPHONE: (801) 521-3434

NOTES: Mining Activities in Bluffdale City

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DIV. OF OIL, GAS & MINING

LAW OFFICES OF
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TODD D. WEILER

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toddweiler@parrylaw.com

April 6, 2007

Mary Ann Wright
Associate Director, Mining Assessment Conference Officer
Utah Department of Natural Resources
Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Re: The violation MN 2006-03-09-01, T&M Mine, Salt Lake County, Utah,
S00350023

Dear Ms. Wright:

Please accept this correspondence as a formal request for an appeal of the Findings of Fact, Conclusions of Law and Order that you entered on March 23, 2007 in the above-referenced matter. After reviewing your findings and conclusions, it appears that the operator misrepresented the status of any on-going dialogue between Bluffdale City and may have the mining operator. Specifically, your second conclusion provided, "OGM was correct in having the permittee establish a dialogue with the City about this operation. The desired outcomes of discussion between the City and Operator are being achieved." *Id.* at 2. This letter is to inform you that there are not any on-going discussions between the city and the Operator, and that no such discussions have taken place since the Notice of Violation was issued!

We understand that the Notice of Violation was issued after we informed you in July of 2006 that T&M was operating mining activities in Bluffdale City without a city license and in violation of Bluffdale's zoning ordinances. Although the City Planner in Bluffdale resigned in September and was not replaced until November, the Operator could have met with the City Manager, the Mayor, the City Attorney, or any number of other individuals at the city. Had Bluffdale City been invited to participate in your January 30, 2007 informal conference as the complaining party, Bluffdale City would have notified you that there had been no attempt for a dialogue and that the Operator is willfully operating in violation of Bluffdale City ordinances. Moreover, despite the ongoing litigation referenced in your Findings, there is no Order from the Court that relieves the operator from complying with local license and zoning requirements. In contrast, the opposite is true and the district court's decision has been stayed. I would appreciate the opportunity of meeting with you informally on this matter, and/or asking your board to review this matter to consider revoking the permit or other measures.

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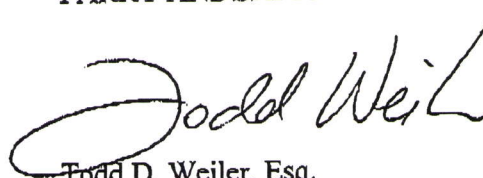
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Ms. Wright
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In short, the issues giving rise to the Notice of Violation being issued last year have not been resolved. Bluffdale City is formally requesting OGM to not allow mining operations to continue until the operator can show its compliance with local statutes, rules, regulations and ordinances. We look forward to hearing from you.

Sincerely,

PARRY ANDERSON

A handwritten signature in black ink, appearing to read "Todd Weiler". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Todd D. Weiler, Esq.
Counsel for Bluffdale City

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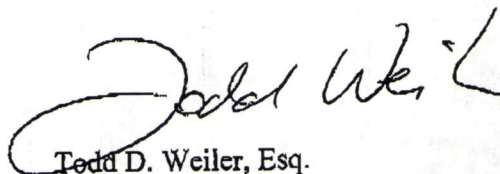
Re: Bluffdale Sand&Gravel S0350022

Dear Ms. Wright:

This letter is to formally request OGM to take action against Bluffdale Sand & Gravel for its failure to remediate the land disturbed by its mining activities in the 18 months since it ceased operations in Bluffdale city. We understand that the Operator requested a few short extensions in the fall of 2005, due to court proceedings. Be advised that there is no court order in place which relieves the operator from complying with any local or state regulations. We appreciate your prompt attention to this matter and look forward to hearing from you soon.

Sincerely,

PARRY ANDERSON



Todd D. Weiler, Esq.
Counsel for Bluffdale City

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1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Re: Mining Activities in Bluffdale, Utah

Dear Ms. Wright:

This letter is to follow up on a series of violation notices that were issued by OGM on or about September 20, 2006. Such notices were issued for some or all of the following: Bluffdale Sand and Gravel, JP&R, Decorative Landscaping T&M, Mark Miller/Expectations, Worthington Landscape, Westside/DJM, and SouthFarms/RA Johnson.

It is our understanding that all of the Notices were issued for a failure of the operator to comply with applicable statutes, rules, regulations, or ordinances of a local agency, namely Bluffdale City. We also understand that as a condition of the Notice of Violation, each operator was required to meet with Bluffdale City officials to develop a written plan for resolving conflicts between the zoning and current land use (mining operations) no later than November 1, 2006. Furthermore, after such meeting, the operator was supposed to present the written plan to OGM showing how the operator will come into compliance with City ordinances.

This letter is to inform you that between September 20, 2006 and April 5, 2007, no operator has approached Bluffdale City to engage in such a dialogue, or to make any attempt to resolve conflicts between zoning and the current mining operations. It has recently come to our attention that several of the notices of violations have been vacated based on misrepresentations from the respective operators that they have either met with or attempted to meet with Bluffdale officials. Any such representations are not true!

This letter is to formally request that OGM issue a new round of violation notices and/or cessation orders based on the information provided herein. Furthermore, Bluffdale City would be very interested in meeting with you informally, or appearing before your board for a hearing on this matter. We note with interest that your first round of violation notices specifically

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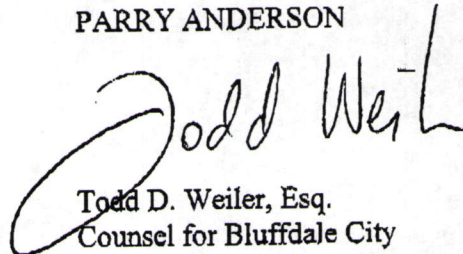
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provided that a penalty of up to \$5,000 may be assessed for each separate day that the violation continues. Bluffdale City strongly encourages you to consider assessing a penalty against any operator within Bluffdale City who received a Notice of Violation last year and represented to OGM that it was resolving or attempting to resolve the conflict with the City. Any operator who is interested in engaging in a dialogue with Bluffdale City may contact Vaughn Pickell, Bluffdale's Director of Community Services, by calling 254-2200 and making an appointment. We appreciate your prompt attention to this matter and look forward to hearing from you.

Sincerely,

PARRY ANDERSON

A handwritten signature in black ink that reads "Todd Weiler". The signature is written in a cursive style with a large, looping initial "T".

Todd D. Weiler, Esq.
Counsel for Bluffdale City